

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In Re:

: Case No.: 19-47287-ESS

:
2178 ATLANTIC AVENUE HOUSING :
DEVELOPMENT FUND CORPORATION, :

: Chapter 11

:
Debtor. :
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NOTICE OF APPEAL

Noteworthy Foreclosure LLC and 2178 Atlantic Realty LLC (hereinafter collectively the “Appellants”), by their attorneys, Marc Wohlgemuth & Associates, P.C. and Halperin Battaglia Benzija, LLP, hereby appeal from the Order Extending the Debtor’s Right to Regain Title to the Property of the Hon. Elizabeth S. Stong, U.S.B.J., entered in the above-captioned bankruptcy case on March 4, 2020 at ECF Dkt. No. 93 (hereinafter the “Extension Order”). A true and correct copy of the Extension Order, together with the hearing transcript upon which it relies, is annexed collectively hereto as **Exhibit A**.

The Extension Order, insofar as appealed from, held, pursuant to 11 U.S.C. § 105, that the Bankruptcy Court had the power, in cases of “extraordinary circumstances,” sufficient to permit a further extension of a cure period for repurchase of foreclosed real property, which period had already been extended under 11 U.S.C. § 108(b). The Extension Order further found that the Debtor, 2178 Atlantic Avenue Housing Development Fund Corporation (hereinafter the “Debtor”), had provided a sufficient showing of “extraordinary circumstances” and granted the Debtor’s motion for an extension of the repurchase period. The Extension Order obstructed the rights of Appellant 2178 Atlantic Realty LLC to its property.

The names of all parties to the Extension Order, their positions in the bankruptcy case, and the names, addresses, and telephone numbers of their respective attorneys, as applicable, are as follows:

APPELLANTS

Party	Counsel	Position in Lower Court
1. 2178 Atlantic Realty LLC	Marc Wohlgemuth & Associates, P.C. 21 Remsen Avenue, Suite 301 Monsey, New York 10952 845-746-2700 -and- Halperin Battaglia Benzija, LLP 40 Wall Street, 37th Floor New York, New York 10005 212-765-9100	Creditor (Titleowner of subject real property)
2. Noteworthy Foreclosure LLC	Marc Wohlgemuth & Associates, P.C. 21 Remsen Avenue, Suite 301 Monsey, New York 10952 845-746-2700 -and- Halperin Battaglia Benzija, LLP 40 Wall Street, 37th Floor New York, New York 10005 212-765-9100	Creditor (Former mortgagee of subject real property)

APPELLEES

Party	Counsel	Position in Lower Court
1. 2178 Atlantic Avenue Housing Development Fund Corporation	Kramer Levin Naftalis & Frankel LLP 1177 Avenue of the Americas New York, New York 10036 212-715-9100	Debtor

OTHER PARTIES

Party	Counsel	Position in Lower Court
1. William K. Harrington, United States Trustee	Office of the United States Trustee – Eastern District of New York U.S. Federal Office Building 201 Varick Street, Suite 1006 New York, New York 10014 212-510-0500	United States Trustee

Dated: March 18, 2020
Monsey, New York

MARC WOHLGEMUTH & ASSOCIATES, P.C.
Counsel for Appellants
NOTEWORTHY FORECLOSURE LLC and
2178 ATLANTIC REALTY LLC

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